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U.S. COURTS

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Attorney for Creditor / Key Bank of Idaho

Our File No. 09-26830

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF IDAHO

IN RE:)	
)	Chapter 12
TERRY HIPWELL,)	
)	Case No. 96-02095
)	
)	MOTION TO REMOVE
Debtor(s).)	AUTOMATIC STAY

COMES NOW, Key Bank of Idaho, pursuant to 11 U.S.C. 362(d) Bankruptcy Rule 4001 and Local Bankruptcy Rule 4001.2 and alleges as follows:

1. That the Debtor(s), TERRY HIPWELL, is/are indebted to Claimant upon a loan agreement dated March 17, 1995 whereby said Debtor(s) promised to pay to the order of the Claimant the total of \$11,540.14 plus interest. A copy of said note is attached hereto as Exhibit "A" and is incorporated herein in full by this reference.

2. That as security for said indebtedness, the Claimant claims a lien upon the following described property:

One 1992 Chevrolet Pickup, I.D. #1GCEC14Z8NE217785

(See Exhibit "B" which is attached hereto and by this reference made a part of).

3. That Claimant's lien and security interest in said property is evidenced by the exhibits which are attached hereto and incorporated herein in full by this reference.

4. That Debtor(s) filed their Chapter 12 petition under the provisions of the applicable Bankruptcy Code on or about August 23, 1996.

5. That Debtor(s) are in default under the terms and conditions of the agreement/plan, as stated above, and owe \$8,836.40 as of September 22, 1996. Debtor(s) last paid on August 26, 1996, but are due for August 1, 1996. The amount in arrears is \$598.64.

6. That Claimant alleges and believes that the present fair market value of the property is below \$7,850.00 based on: N.A.D.A.

7. That Claimant alleges that the present fair market value of its collateral may not exceed the sums due Claimant and other liens against the property above described, including that of Claimant, and of Debtor(s)' exemptions, although the exemption provision is not an issue herein.

8. That Claimant alleges the estate of Debtor(s) has no interest in the property.

9. That Claimant alleges the above-described property is not necessary to an effective reorganization of Debtor(s).

10. That Claimant does not have and has not been offered adequate protection for its liens and security interest in said property, and if Claimant is not permitted to foreclose its security interest in the collateral, Claimant will suffer irreparable injury, loss and damage.


WHEREFORE, Claimant moves the Court to issue an Order against the Debtor(s), the trustee and parties in interest as follows:

1. Removing the stay of 11 U.S.C. 362 as against Claimant and authorizing said Claimant to pursue its remedies against said property by foreclosing upon or reclaiming the same pursuant to the provisions of its Note and applicable local law.

2. In the alternative Claimant prays for an Order of this Court adequately protecting Claimant's lien on the collateral in the form of cash payments to Claimant, additional liens on other unencumbered property of Debtor(s) or imposing such other

restrictions on Debtor(s)' use of the collateral as will provide Claimant with the indubitable equivalent of its interest in the property.

DATED this 1st day of October, 1996.



MICHAEL L. SCHINDELE

CONFIDENTIAL

10-10-1963

[illegible]

VEHICLE IDENTIFICATION NUMBER
1E017WE217785

1992 CHEV PR 1K FLSD

18428 ACTUAL 03/17/1999

0355885 03/30/1995

POWER, GERALD
ID 83320
ID 83660

9-1968233

STATE OF IDAHO

ID 8789
ID 83705
03/17/1996